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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,493	08/25/2003	Walter Taehwan Kim	WTK.P001	2379

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Walter T. Kim
1885 S. Oswego St.
Aurora, CO 80012

EXAMINER

JOHNSON, BLAIR M

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,493

Applicant(s)

KIM, WALTER TAEHWAN

Examiner

Blair M. Johnson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 112

Claim 24 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not adequately support the recitation in claim 24.

Claims 2,3 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It appears from the wording of claim 1 that the shade panel is being claimed alone and not in combination with the window assembly. However, in claim 2, the limitation "attaches to the side window assembly" suggests that the window assembly is being recited. Consequently, the scope of claim 2, and those dependent thereon, is indefinite. For examining purposes, the claims will be treated as if only the shade panel is being positively recited.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by both Thompson et al and Marjahn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 15-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelis in view of either Murjahn or Chen et al.

McNelis discloses a glare visor, or shade. What is not shown is the removable aspect and the ability of the device to be slid between the window and the seal therearound. However, each of Murjahn and Chen provide a plastic shade which teach this feature. Chen et al states that the upper edge of his shade fits within top channel 44 when the window is closed. In view of these teachings, it would have been obvious to modify McNelis whereby his shade is removable and capable of fitting between the window and any of the surrounding seals. The shape of the device to fit in specific windows is clearly an obvious design choice so as to provide the best shading characteristics. The specific light blocking and degree of transparency (as best understood) characteristics are also considered to be obvious. For instance, if more shading is desired, more tinting can be provided. Murjahn specifically states this in column 2, lines 5-9.

Regarding claim 11, the third "section" is the section not engaged with the seals. Regarding claim 23, the shade is so shaped subject to the location of the shade and the person.

The Chen et al (see Fig. 1) and Murjahn (column 2, line 59) devices are flexible.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNelis in view of either Murjahn or Chen et al as applied above, and further in view of Bittner.

Bittner discloses elements 30 for providing friction between the shade and the seal/window frame. It would have been obvious to modify McNelis to have such a feature on the sides which engage the window frame so as to similarly maintain the shade in place. The portions of the shade between the edges having such friction providing means is of a different thickness.

While the teaching of flexible material is provided by both Chen et al and Murjahn, they also teach an inherent "semi-rigid" feature since such a recitation is also very relative.

Claims 26 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Idland in view of either Murjahn or Chen et al.

Murjahn and Chen et al are applied here as above. Idland discloses that his shades may be overlapped so as to provide different shading characteristics, column 2, lines 60-68. This composite of sheets meets claim 29.

Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bittner in view of Thompson.

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Bittner does not specifically disclose that his device is capable of fitting between the window and the frame. However, such is old as taught by Thompson. In view of this teaching, it would have been obvious to modify Bittner so that his shade is usable when the window is raised.

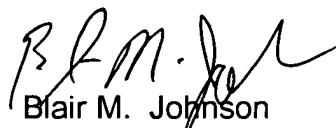
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (703) 308-0526. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
9/2/04